PTO/SB/21 (07-06)
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TRANSMITTAL FORM

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Application Number	09/900,079
Filing Date	07/06/2001
First Named Inventor	Kirstan Anderson Vandersluis
Art Unit	2161
Examiner Name	Cindy Nguyen
Attorney Docket Number	XAW-0102

Total Number of Pages in This Submission **3**

ENCLOSURES   *(Check all that apply)*

- [ ] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53

- [ ] Drawing(s)
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- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
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- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
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- [ ] Proprietary Information
- [ ] Status Letter
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Remarks

Corrected Appeal Brief pages, in triplicate

No fee due to MPEP 1207.04

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Law Office of Dale B. Halling
Signature	*[signature]*
Printed name	Dale B. Halling
Date	1/23/2008
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CERTIFICATE OF TRANSMISSION/MAILING

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Signature	*Theresa A. Jones*		
Typed or printed name	Theresa A. Jones	Date	1/23/2008

VI. Grounds of Rejection to be Reviewed on Appeal

1.   Whether claims 7, 8, 9, 10, 11 & 12 are unclear under 35 USC 112, second paragraph?

2.   Whether claims 1-12 & 18-29 are statutory under 35 USC 101?

3.   Whether claims 1-3, 5-11 & 13-17 are anticipated under 35 USC 102(e) by Fernandez et al (US 6604100)?

4.   Whether claims 4 & 12 are unpatentable under 35 USC 103(a) over Fernandez et al (US 6604100) in view of Prompt et al (US 6985905)?

5.   Whether claims 18-23 & 25-29 are unpatentable under 35 USC 103(a) over Fernandez et al (US 6604100) in view of Krupa et al (US 20020156811)?

6.   Whether claim 24 is unpatentable under 35 USC 103(a) over Fernandez et al (US 6604100) in view of Krupa et al (US 20020156811) and further in view of Povilus (US 5740425)?

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Claims 19-23 are allowable as being dependent upon an allowable base claim.

Claim 25 is allowable for the same reasons as claim 18

Claim 26 recites determining for each element if a datum needs to be dynamically generated. The Patent Office points to the query composer 102 of Fernandez. However, the query composer 102 is not a template, which is defined as a pattern in the present application. The only template mentioned in Fernandez is the XML-construction part e.g. XML template, Fernandez Col. 5, lines 27-29. There is no suggestion that the XML-construction part is executable in Fernandez. The addition of Krupa does not solve this and the Patent Office cites Krupa for repeating the steps. The combination of Fernandez and Krupa taken as a whole, would not suggest the invention to one of ordinary skill in the art. Claim 26 is clearly allowable.

Claims 27-29 are allowable as being dependent upon an allowable base claim.

Issue 6.   Whether claim 24 is unpatentable under 35 USC 103(a) over Fernandez et al (US 6604100) in view of Krupa et al (US 20020156811) and further in view of Povilus (US 5740425)?

The question of obviousness requires that we determine if the references, taken as a whole, would suggest the invention to one of ordinary skill in the art. *Medtronic, Inc. v. Cardiac Pacemakers, Inc.*, 721 F.2d 1563, 220 USPQ 97 (Fed. Cir. 1983).

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